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REMARKS

Applicant thanks the Examiner for the remarks and analysis contained in the

Office Action. Claims 10-17, which were withdrawn from consideration, are canceled

above. New claims 18-27 are added. Applicant respectfully requests reconsideration of

this application.

Applicant submits herewith a declaration pursuant to 37 CFR §1.131 evidencing

that the claimed invention was reduced to practice at least as early as May, 1996. At least

one sample brake shoe plate assembly embodying this invention was completed and

tested at least as early as May, 1996. Accordingly, the Sano reference does not qualify as

prior art. The rejections under 35 U.S.C. §102(e) and §103, which depend upon Sano

should be withdrawn.

Applicant respectfully submits that this case is in condition for allowance.

Applicant believes that no additional fees are necessary, however, the Commissioner

is authorized to charge Deposit Account No. 50-1482 in the name of Carlson, Gaskey &

Olds for any additional fees or credit the account for any overpayment.

Respectfully submitted,

CARLSON, GASKEY & OLDS

By:_

David J. Gaskey

Registration No. 37, 189

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(248) 988-8360

Dated: July 30, 2003

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CERTIFICATE OF MAILING

I hereby certify that the enclosed Amendment is being deposited with the United States Postal Service as First Class Mail, postage prepaid, in an envelope addressed to Commissioner for Patents, P. O. Box 450, Alexandria, VA 22313-1450 on July 30, 2003.

Theresa M. Palmateer

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